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7
8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 MICHELLE SANCHEZ,
11
12 Plaintiff,

13 v.

14 LOS ANGELES COUNTY; LOS
ANGELES COUNTY DEPARTMENT
15 OF CHILDREN AND FAMILY
SERVICES; ACTING DIRECTOR
16 BRANDON T. NICHOLS; ALLANA
DARTER; MOSES EDUN; NORA
17 SALINAS; MORGAN GRAYS; DOES
1through 10, inclusive.

18 Defendants.
19

Case No. 2:18-CV-10373-VAP-FFM
Hon. Virginia A. Phillips (Dist. Judge)
Hon. Frederick F. Mumm (Mag. Judge)

**DEFENDANTS' REPLY IN SUPPORT OF
DEFENDANTS' MOTION TO DISMISS
PLAINTIFF'S COMPLAINT UNDER RULE
12(b)(6)**

Complaint Filed: December 14, 2018

20 TO THE HONORABLE COURT:

21 Defendants Los Angeles County (the "County," hereinafter, and inclusive of
22 the "Los Angeles County Department of Children and Family Services,"
23 erroneously named as a distinct entity), Allana Darter, Moses Edun, Morgan Grays,
24 Brandon T. Nichols, and Nora Salinas (collectively, the "Social Worker
25 Defendants," and, together with the County, "Defendants"), hereby submit their
26 reply in support of their Motion to Dismiss Plaintiff's Complaint for Damages
27 ("Motion") pursuant to Federal Rule of Civil Procedure 12(b)(6).

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MEMORANDUM OF POINTS AND AUTHORITIES

Plaintiff failed to file a timely opposition to the Motion. Under the Central District's Local Rules, any opposition to a motion must be filed 21 days before the hearing of that motion. C.D. Cal. L.R. 7-9. Defendants filed their Motion on March 27, 2019, which was noticed for hearing on April 29, 2019. (ECF No. 19, 1:21.) Accordingly, Plaintiff's opposition to the Motion should have been filed by April 8, 2019. To date, Plaintiff has failed to file any opposition. As a result, the Motion should be granted.

Plaintiff's "failure to file any required document, or the failure to file it within the deadline, may be deemed consent to the granting or denial of the motion." C.D. Cal. L.R. 7-12. Consequently, Plaintiff's failure to file an opposition within the period prescribed by Local Rule 7-9 may be deemed consent to the granting of Defendant's Motion. Defendants respectfully request the Court so deem.

Defendants reserve their right to respond to any filing seeking leave to file a late opposition.¹

DATED: April 10, 2019

PETERSON · BRADFORD · BURKWITZ

By: /s/ Ryan A. Graham

Avi Burkwitz, Esq.

Ryan A. Graham, Esq.

Attorneys for Defendants,

COUNTY OF LOS ANGELES, *et al.*

¹ Plaintiff may not file an opposition without seeking leave from the Court. L.R. 7-10 ("Absent prior written order of the Court, the opposing party shall not file a response to the reply.")

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 100 North First Street, Suite 300, Burbank, California 91502.

On April 10, 2019, I served the foregoing document described as:

DEFENDANTS' REPLY IN SUPPORT OF MOTION TO DISMISS PLAINTIFF'S COMPLAINT UNDER RULE 12(b)(6)

on interested parties in this action by placing a true and correct copy thereof enclosed in a sealed envelope addressed as follows:

SEE ATTACHED MAILING LIST

☒ **BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed document(s) with the Clerk of the Court by using the CM/ECF system. Participants in this case who are registered CM/ECF users will be served by the CM/ECF system. Participants in this case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

☒ **FEDERAL:** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on April 10, 2019, at Burbank, California.

/s/ Ryan A. Graham

Ryan A. Graham

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SERVICE LIST

RE: Michelle Sanchez v. Los Angeles County, et al.

Case 2:18-CV-10373-VAP-FFM
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